

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JEREMY JOHN WEIS
PLAINTIFF

v

WARDEN PHILBIN ET AL
DEFENDANTS

)

)

) CV 120-097

)

) FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

)

) OBJECTION TO REPORT
2020 DEC 10 A 9:09

)

) AND RECOMMENDATION

CLERK

SO. DIST. OF GA.

[Signature]

COMES NOW, JEREMY JOHN WEIS, PLAINTIFF IN OBJECTION
TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION. FOR THE
FOLLOWING REASON. THE PRISONER LITIGATION REFORM ACT (PLRA) WAS
INTENDED TO CURTAIL FRIVOLOUS PRISONER LITIGATION 18 U.S.C. § 3626.

HOWEVER THE PREVIOUS FILINGS THAT THE MAGISTRATE IS APPLYING
"STRIKES" TO DO NOT MEET THE STANDARD OF A "STRIKE" ACCORDING
TO THE LANGUAGE OF THE PLRA, A COMPLAINT THAT IS DISMISSED AS
BEING "FRIVOLOUS, MALICIOUS OR FOR FAILURE TO STATE A LEGAL CLAIM"
SHOULD BE COUNTED TOWARD BARRING A PRISONER FROM FUTURE
FILINGS. THEREFOR ONLY ONE OF THE PAST FILINGS MEET THIS
STANDARD THE OTHER TWO PROCEEDED WELL BEYOND THE MAGISTRATE'S
POWER AND WERE LOST ON GROUNDS DIFFERENT FROM THAT WHICH
IS CONSIDERED A "STRIKE" BY THE STANDARDS LAYED OUT IN THE PLRA.

WHEREFORE PLAINTIFF WOULD ASK THE COURT TO ALLOW HIM TO
PROCEED IN FORMA PAUPERIS AND PROCEED WITH THE UNFRIVOLOUS
CASE BEFORE THIS COURT.

SUBMITTED THIS THE 21ST DAY OF NOVEMBER, 2020.

[Signature]
JEREMY J. WEIS

#1002755140

CERTIFICATE OF SERVICE

I, JEREMY JOHN WEIS, ATTEST UNDER PENALTY OF
Perjury THAT I CAUSED TO BE SERVED A COPY OF Foregoing
OBJECTION TO MAGISTRATE'S REPORT AND RECOMMENDATION
UPON:

- 1) WARDEN EDWARD PHILBIN
- 2) UNIT MANAGER CLIFFORD BROWN
- 3) OFFICER FNU FLUKER

By PLACING A COPY OF MOTION IN A INDIVIDUAL ENVELOPE
AND PRINTING THE NAME OF EACH DEFENDANT ON EACH ENVELOPE
AND MARKING EACH AS INTERNAL PRISON MAIL AND PLACING
THEM IN THE PRISON MAILBOX FOR DELIVERY.

ON THIS THE 21ST DAY OF NOVEMBER, 2020.



JEREMY JOHN WEIS

#100275514D

A.S.M.P

3001 Gordon Hwy
GROUETOWN GA. 30813

JEREMY WEILS 1002755140
AUGUSTA STATE MEDICAL PRISON
3001 GORDON HWY
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30813

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CLERK OF COURT

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